

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF VIRGINIA  
Richmond Division

In re: ) Chapter 11  
 )  
Circuit City Stores, Inc., et al., ) Case No. 08-35653  
 )  
Debtors. ) (Jointly Administered)

**AGREED ORDER REGARDING MOTION FOR EXAMINATION AND DIRECTING  
CREDITOR, NORTH PLAINFIELD VF, LLC, TO PRODUCE DOCUMENTS PURSUANT  
TO FEDERAL RULE OF BANKRUPTCY PROCEDURE RULE 2004**

Upon review of the Motion brought by Schimenti Construction Company, LLC (“Schimenti Construction”) for an Order: (a) directing North Plainfield VF, LLC (“N Plainfield VF”) to appear for examination pursuant to Rule 2004 of the Federal Rules of Bankruptcy Procedure; and (b) directing N Plainfield VF to produce documents pursuant to Rule 2004 of the Federal Rules of Bankruptcy Procedure (“Motion”); the Objection To And Motion To Quash filed by N Plainfield VF (“Objection”); and the oral argument of counsel and good cause appearing therefor,

**IT IS HEREBY ORDERED:**

1. That the Motion is GRANTED and the Objection is DENIED except as to N Plainfield VF’s request for a Protective Order which is GRANTED;

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Christopher L. Perkins (Va. Bar No. 41783)  
LeClairRyan, A Professional Corporation  
Riverfront Plaza, East Tower  
951 East Byrd Street  
Post Office Box 2499  
Richmond, VA 23218-2499  
(804) 783-2003

-and-

Peter E. Strniste, Jr. (Admitted *Pro Hac Vice*)  
Patrick M. Birney (Admitted *Pro Hac Vice*)  
Robinson & Cole LLP  
280 Trumbull Street  
Hartford, CT 06103  
860-275-8200

Counsel for Schimenti Construction Company, LLC

2. That N Plainfield VF is to produce a representative or other qualified designee to testify regarding the lease by and between N Plainfield VF and Debtor for non residential space located at 1200 Route 22 East, North Plainfield, New Jersey and such related topics as enumerated and set forth in Exhibit A to Schimenti Construction's Motion. Said examination shall take place on a mutually convenient day and time on or before **April 17, 2009**, at the law offices of Robinson & Cole LLP at 885 Third Avenue, 28<sup>th</sup> Floor, New York, NY 10022-4834; and

3. That N Plainfield VF is to produce for examination and copying by counsel for Creditor, Schimenti Construction, pursuant to Rule 2004 of the Federal Rules of Bankruptcy Procedure at the offices of Robinson & Cole LLP at 885 Third Avenue, 28<sup>th</sup> Floor, New York, NY 10022-4834, no later than the close of business on **March 23, 2009**, or as soon thereafter as can be mutually scheduled, provided that such date is at least one week prior to the examination, the originals or true and correct copies of all documents which are described in Exhibit A to Schimenti Construction's Motion; and

4. That N Plainfield VF and Schimenti Construction shall enter into an agreed Protective Order prior to N Plainfield VF's production of the documents as set forth in Exhibit A to Schimenti Construction's Motion, protecting the confidential nature of any proprietary and confidential information or documents produced by N Plainfield VF pursuant to this Order. The Parties shall use their best efforts to reach an agreement on the terms and conditions of said agreed Protective Order. Should the parties be unable to reach an agreement, each party shall submit its proposed Protective Order to the Court and the Court will enter one of the two proposed Orders.

5. Attendance of witness and production of documents will be compelled by a subpoena issued pursuant to Rule 9016 of the Federal Rules of Bankruptcy Procedure.

ENTERED:

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UNITED STATES BANKRUPTCY JUDGE

I ASK FOR THIS:

/s/ Christopher L. Perkins

Christopher L. Perkins (Va. Bar No. 41783)  
LeClairRyan, A Professional Corporation  
Riverfront Plaza, East Tower  
951 East Byrd Street  
Post Office Box 2499  
Richmond, VA 23218-2499  
(804) 783-2003

-and-

Peter E. Strniste, Jr. (Admitted *Pro Hac Vice*)  
Patrick M. Birney (Admitted *Pro Hac Vice*)  
Robinson & Cole LLP  
280 Trumbull Street  
Hartford, Connecticut 06103  
Telephone (860)275-8200  
Facsimile (860)275-8299  
[pstrniste@rc.com](mailto:pstrniste@rc.com)  
[pbirney@rc.com](mailto:pbirney@rc.com)  
*Counsel for Schimenti Construction Company, LLC*

SEEN AND AGREED:

/s/ Lisa Taylor Hudson

William A. Gray, Esquire (VSB No. 46911)  
Lisa Taylor Hudson, Esquire (VSB No. 45484)  
SANDS ANDERSON MARKS & MILLER  
801 E. Main Street, Suite 1800  
Richmond, VA 23219-1998

Stephanie Goldstein, Esquire  
Kalman Ochs, Esquire  
FRIED, FRANK, HARRIS, SHRIVER & JACOBSON LLP  
One New York Plaza  
New York, NY 10004  
*Counsel for North Plainfield VF LLC*

**9022-1 CERTIFICATION**

I hereby certify that the foregoing proposed Order has been served upon or endorsed by all necessary parties.

/s/ Christopher L. Perkins

Counsel